IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Con.Case(C).No. 636 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.17611/2004 Dated 26/07/2004

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PETITIONER/PETITIONER

JOSEPH JOSEPH, S/O JOSEPH, AGED 37,
MATTATH THOPPIL HOUSE, SAKTHIKULANGARA,
KOLLAM.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: RESPONDENTS

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1. DEVENDRAKUMAR, AGE AND FATHER'S NAME
NOT KNOWN, SECRETARY, FISHERIES AND PORTS(B)
DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. G.HARIKUMAR, AGE AND FATHER'S NAME
NOT KNOWN, DIRECTOR OF FISHERIES, TRIVANDRUM.

3. CAPTAIN S.VIJAYAN PILLAI, AGE AND
FATHER'S NAME NOT KNOWN, DIRECTOR OF PORTS,
TRIVANDRUM.

4. PRESANNA KUMAR, AGE AND FATHER'S NAME
NOT KNOWN, DEPUTY DIRECTOR OF FISHERIES(ZONAL),
KOLLAM.

5. LIZZY MATHEW, AGE AND FATHER'S NAME
NOT KNOWN, DEPUTY DIRECTOR OF FISHERIES(ZONAL),
KOCHI.

6. SELVESTOR, DEPUTY DIRECTOR OF
FISHERIES(ZONAL), CALICUT.

7. V.C.MOHAN, SUPERINTENDENT OF MARINE
ENFORCEMENT DEPARTMENT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

Contempt Case (Civil) No. 636 of 2007-S

Dated this the 25th day of June, 2007.

J U D G M E N T

The petitioner has approached this Court, alleging that the respondents have violated the directions contained in Annexure-1 judgment. The relevant portion of the said judgment reads as follows:

> "Heard the learned counsel on both sides. Respondents 1 to 7 have got a duty to ensure that the provisions of the Kerala Marine Fishing Regulation Act are respected and implemented including the notifications issued thereunder. The submissions made by the official respondents in the counter affidavit that they will take all possible steps to prevent the violation of the law is recorded. The additional respondents, even if they are using only the permitted traditional fishing gears, can operate their vessels only with the registration under the above mentioned Act. If they are denied registration wrongly, they can work out their remedies against that."

2. Earlier, the petitioner has approached this Court, alleging the violation of the very same judgment, by the respondents. The said Contempt Case was closed by Annexure-2 judgment. Again, this Contempt Case is filed, alleging that the respondents have failed to take effective steps, to prevent the indiscriminate and illegal fishing with unregistered vessels using

prohibited fishing gears.

3. The first respondent has filed an affidavit stating the steps taken by the Government to ensure that all the vessels are registered under the Kerala Marine Fishing Regulation Act, 1980. The said respondent has also produced Ext. R(1) (a) dated 19-5-2007 which is an order issued by the Government concerning the registration and licensing of boats and crafts. It shows that the Government is taking steps to bring all the vessels under the cover of registration and licence.

3. I think it is not expedient or necessary to initiate contempt proceedings, based on certain allegations, made by the petitioner, regarding the failure of the respondents to honour the undertaking recorded by this Court, in Annexure-1 judgment. After the judgment, and Ext. R1(a) is over and if any particular vessel is operated, without necessary registration or licence, and no action is taken thereon, it may amount to violation of the undertaking. Only in such cases, I feel that a motion for contempt of Court Case can be taken. In the present case, it is only a general allegation . Therefore, taking note of the action taken by the first respondent, mentioned above, the Contempt Case (Civil) is closed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS